

Civil Society Internet Governance Caucus's Input into Open IGF Consultations in Geneva on 26th February, 2008

– Draft Presented for Seeking Caucus's Consensus

(Dated, 24th February, 2008.)

IG Caucus Statement I: Main Session Themes for IGF, Hyderabad

Civil Society IG Caucus is of the opinion that the four general themes of access, openness, diversity and security (with CIRs added in Rio) have served a useful purpose in organizing the IGF meetings in its early formative stages, by which we mean its first two meetings in Athens and Rio. We should now move on more purposefully to the serious business of providing directions, ideas and possibilities to global public policy making in the Internet arena, which is a primary mandate of the IGF.

We are of the opinion that the above general themes of access, openness, diversity and security should be the cross-cutting themes for organizing the next meeting of the IGF at Hyderabad, India. However, the main sessions should address specific public policy issues in the area of Internet Governance that are considered most important in the current global context. A series of thematic workshops should be organized around these main sessions, with their output feeding into these sessions. Adequate preparatory work should go into preparing the main sessions and the connected workshops using dedicated working groups. These WGs should also synthesize appropriate outcome documents for each main theme.

For Hyderabad meeting of the IGF, we suggest the following main session themes.

1. Enhanced Cooperation - What Was Meant By the Tunis Agenda, and What Is the Status of It

Tunis Agenda speaks of the need for 'enhanced cooperation' for global Internet policy making. There are different views about what exactly is meant by this term, and what processes will/ can constitute 'enhanced cooperation'. IGF is the right forum to deliberate on the meaning and possibilities of this term, through wide participation of all stakeholders in the multi-stakeholder spirit of the WSIS. It is quite possible that such an open discussion pushes the process of 'enhanced cooperation' forward, which at present seems to be caught in a kind of a limbo, or at least some degree of confusion.

2. Network Neutrality - Ensuring Openness in All Layers of the Internet

Network neutrality has been an important architectural principle for the Internet. This principle is under considerable challenge as Internet becomes the mainstream communication platform for almost all business and social activities. These challenges are most manifest in the physical layer, but also increasingly in the content and application layers. This session will examine the implication of this principle, and its possible evolutionary interpretations, for Internet policy in different areas.

3. A Development Agenda for Internet Governance

Development is a key focus of the Tunis Agenda and its mandate for the IGF. Development also was listed as a cross-cutting theme of the Athens and Rio conferences, but neither featured a main session that devoted significant, focused attention to the linkages between Internet governance

mechanisms and development. However, at Rio a workshop was organized by civil society actors in collaboration with the Swiss Office of Communications and other partners from all stakeholder groupings on, “Toward a Development Agenda for Internet Governance.” The workshop considered the options for establishing a holistic program of analysis and action that would help mainstream development considerations into Internet governance decision making processes.

Attendees at this workshop expressed strong interest in further work on the topic being pursued in the IGF. Hence, we believe the Development Agenda concept should be taken up in a main session at Hyderabad, and that this would be of keen interest to a great many participants there. We also support the Swiss government’s proposal to consider establishing a multi-stakeholder Working Group that could develop recommendations to the IGF on a development agenda.

4. Transparency and Inclusive Participation in Internet Governance

The WSIS principles hold that Internet governance processes “should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations.” Governments invoked these principles throughout the WSIS process, and in the Tunis Agenda mandated the IGF to, “promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet Governance processes.” Nevertheless, the IGF has not held any follow-up discussion on how to pursue this key element of its mandate. The Internet Governance Caucus has consistently advocated programmatic activity in this arena, and hence welcomes the Swiss government’s statement that implementation of the WSIS principles should be added as a cross-cutting issue at the core of all IGF discussions. To help kick-start that cross-cutting consideration, we propose that a main session in Hyderabad concentrate on two WSIS principles of general applicability for which progress in implementation can be most readily assessed: transparency, and inclusive participation. The session could consider patterns of practice across Internet governance mechanisms, and identify generalizable lessons concerning good or best practices.

IG Caucus Statement II: Format for IGF, Hyderabad

Hyderabad IGF marks the halfway point in the IGF's mandate. It is therefore essential that the meeting addresses all aspects of the IGF mandate. We should use the two years of IGF experience to assess how well IGF is fulfilling its Tunis Agenda mandate, and make improvements as necessary to the format and processes of IGF.

It will be appropriate to use the 'Stock Taking and the Way Forward' session at Hyderabad as a mid-term review of the IGF process, considering that the IGF process is supposed to be completely reviewed at the end of a five year period. This main session should be intensely prepared for by a WG, and the IGC will like to repeat its successful Rio workshop on the theme of the 'Role and Mandate of the IGF' at Hyderabad, to feed into this main session.

We are of the opinion that the IGF's mandates and functions can be put into two broad categories: One is of providing an open space for discussing any and all public policy issues regarding the Internet for all stakeholders, therefore, inter alia, encouraging closer interactions among stakeholder and groups who often 'do not often talk' to each other'. The second set of mandates and functions can be clubbed in the category of providing some relatively clear directions and possibilities in the area of global public policy, and for this purpose plug the gaps in terms of ideas, possibilities, interactions etc in the global institutional framework in this area.

The structure of the IGF meeting should be adequate to meet both these purposes. The first purpose listed above is largely being achieved, and IGF is now recognized for its characteristic of a town hall meeting where anyone can come and voice one's opinion and concerns. However, the requirements for the purpose two listed above - that of some clear contribution to the global public policy arena - may need us to explore some structural improvements for the Hyderabad IGF meeting, without taking away its open town hall meeting character.

IGF as an Open Town Hall Meeting

In fulfilling this aspect of its mandate, as we mentioned, we think that the IGF, is making good progress. We are of the view that we should allow as many open workshops at IGF as possible, subject only to the limitations of the logistics. In fact, we should encourage connected events on the sidelines of the IGF as well, some of which were held around IGF, Rio.

The process of selection of open workshops should, inter alia, involve the criteria of

- (1) Sponsor's readiness to structure the workshops as a space for an open dialogue and not just one-sided advocacy. The multi stakeholder criteria should be seen more in terms of the demonstrated willingness of the sponsors to invite different stakeholders, and those with different points of views, to participate as panelists rather than in the sponsorship of the workshops. The later criterion leads to the possibility of some stakeholders, especially those with a relatively tightly organized and relatively monolithic structure and policy/ political approach, to veto some subjects. In any case, the variety sought should be more in terms of different points of views, rather than just different stakeholders, because it is possible to gather a panel of different stakeholders with a narrow range of views on a particular subject.
- (2) Workshops themes staying, as closely as possible, within the IGF's broad mandate of dealing with specifically IG issue, that are global, and have some relation to public policy arena. Specific overall thematic emphasis for each IGF meeting may also be indicated.

IGF as Providing Directions to Global Public Policy on Internet

There is a general impression that more can be done to ensure that the IGF fulfils its mandate of providing directions to global public policy on Internet, as indicated by many parts of its TA mandate. The main sessions should be the focal spaces for fulfilling this set of objectives. Many of those who attended Athens and Rio meetings felt that the main sessions could be made more compelling and productive. We did see attendance at these sessions shrivelling off, from Athens to Rio, and within Rio, from day one onwards.

We think that the main sessions should be focused on specific issues concerning the conduct of Internet governance *per se*, rather than on more broadly framed issues pertaining to the Internet environment generally. These specific issues should be framed, and prepared for, well in advance.

The main session can be made more productive and fruitful by

- (1) Having a couple of thematic workshops connected with, and feeding into, each of the main sessions. There should be a limited number of these thematic workshops, with a vigorous effort to merge proposals for such workshops in a manner that preserves diversities of geo-politics, special interests and different viewpoint, but retains the clear purpose to increase the effectiveness of the main sessions.
- (2) Not having thematic workshops run at the same time as the main sessions.
- (3) Using Working Groups to intensively prepare for each of these sessions, and the connected workshops. These working groups should also synthesis some kind of an outcome documents on each theme, taking from the discussions at the main sessions and the connected workshops. These working groups could consist of members of the MAG plus some other experts and stakeholders.

Dynamic coalitions (DC) too have a great potential to increase the effectiveness of the IGF. There should be greater clarity on the formal integration of DCs into the overall IGF structure. Dynamic coalition pertaining to the chosen subject for a main session should be involved in the preparations for that session. They must also be able to report back on their activities in that main session.

To enable proper preparation for Hyderabad IGF, a call for workshops should be given out as soon as possible. This will also require early decision on main session themes. Postponing these crucial activities will leave us with inadequate time to make all the needed preparations for the IGF, Hyderabad. This will not allow us to move ahead on further achievement of the full potential of the IGF, that we all desire to do.

Participation at the IGF

We should further explore innovative methods within the IGF to improve the active participation in the IGF proceedings of all those who attend the IGF.

It is also important to improve the participation of currently excluded and under represented groups in both the IGF's public consultations and the annual meetings. Adequate financial support should be provided to potential participants from developing and least developed countries.

There is also a lot of scope for improving participation through online means, which should be fully explored. However this improvement of online participation cannot fill in for greater face to face participation of currently under-represented groups.

As the IGF goes to the South Asian region which is home to more than half the world's poor, special focus needs to be given to realizing the vision of an internet for everyone. This first of all requires obtaining the participation of disadvantaged groups and communities in the governance of the Internet. Hyderabad IGF should take all possible measures to make outreach to and include these groups in the IGF meeting. This can be done by galvanizing the local civil society around the Hyderabad IGF meeting. We welcome the call given by Nitin Desai to do so, in the recent ICANN meeting at New Delhi.

IG Caucus Statement III: MAG Renewal / Restructuring

At the outset of this statement on renewal and restructuring of the MAG, the Civil Society IG Caucus will like to appeal to all stakeholders that we should all use the full term "multi-stakeholder advisory group" or MAG, at least for official purposes, because multistakeholderism is the most important aspect of the IGF.

MAG is the driving seat of the IGF, and restructuring MAG is basic to making IGF more effective and productive. We appreciate the new measures of transparency taken with respect to MAG's working. We are of the view that MAG should work through two elists - one open and the other closed. Since MAG discusses issues of public importance, normally discussions should be open to public scrutiny. However we do understand that there can be some circumstances that require closed discussions. All discussions taken to the closed list should be listed, and summaries of them provided as appropriate. By the same rule transcripts should be provided for all face to face meetings of the MAG, unless some topics are expressly chosen to be dealt in a closed manner, in which case such topics should be listed, and summary of discussions provided as appropriate.

Membership of the MAG

- The MAG should be large enough so that its members bring the required balance of stakeholder interests, diversity and experience, but not so large as to cause the group to be inefficient. In the present circumstances, we think that 40 is a good number for MAG members. One third of MAG members should be rotated every year.
- In the interest of transparency and understanding the responsibilities of MAG members, when making appointments to the MAG we ask the Secretary General to explain which interested group
- that person is associated with. The rules for membership of the MAG should be clearly established, and made open along with due justifications.
- Civil society has been under represented in the multi-stakeholder advisory groups appointed in
- 2006 and 2007, this anomaly should be corrected in this round of rotation and a fair balance of members among all stakeholders assured. Fair civil society representation is necessary to ensure legitimacy for this new experiment in global governance.
- We agree that the organizations having an important role in Internet administration and the development of Internet-related technical standards should continue to be represented in the MAG. However, their representation should not be at the expense of civil society participation.
- Stakeholder representatives should be chosen based on appropriate processes of self-selection by stakeholder groups. We do appreciate that it is difficult to recognize any one stakeholder entity, or even a given set of them, as completely representing the whole of that particular stakeholder group. This complicates the process of selection, especially in the case of civil society and business sectors, and makes for some scope for the final selecting authority exercising a degree of judgement. This, however, should be done in a completely transparent manner. Deviations from the self-selection processes of stakeholder groups should be kept to the minimum.
- When recommending members of the MAG all stakeholders should ensure diversity in terms of gender, geography, and, where applicable, special interest groups.

Role and Structure of the MAG

With the experience of two years of IGF, it is also the right time to re-visit the role and the structure of the MAG. To start with, it will be useful to list out the functions that MAG is expected to play.

- One function is of course to make all necessary arrangements for the annual IGF meetings. We must reviews MAG's experience with carrying out this function. What more needs to be done by MAG to further improve the effectiveness of the IGF? We are of the opinion that MAG must review its decision making processes to make them more effective. These are especially important if IGF is to evolve into something more than what it is today, to enable it to fulfil all aspects of its mandate.
- It will be very useful for the MAG to work through working groups. These WGs should prepare for each main session and the set of workshops connected to this main session. WGs can also be used for managing internal tasks of the MAG more effectively.
- We also seek greater clarity at this point about whether the MAG has any substantive identity other than advising the UN SG. For instance, to carry out some part of the mandate which requires 'interfacing', 'advising', identifying issues', 'giving recommendations' etc, MAG, in some form or the
- other, needs to be able to represent the IGF. It looks highly impractical that these tasks can cohere in the UN SG.
- MAG should prepare an annual report for the IGF. This report should mention IGF activities and performance for the year against relevant parts of the TA which lays out its mandate, and also outline plans for the year ahead. We suggest that this report, once adopted by the Secretary General would also satisfy the requirements of para 75 of the Tunis Agenda and prepare for discussion about the desirability of continuing the Forum beyond 2010.
- IGF should actively encourage regional and national level IGFs, which should be truly multi-stakeholder. A specific plan should be drawn out for this purpose, possibly using a WG. Such a need is also expressed in the paragraph 80 of TA.

Funding of IGF, and Issues of Participation

The United Nations needs to recognise that the IGF is the outcome of a UN process and should ensure that it has the resources it needs to fulfil its mandate as defined at the Tunis Summit in 2005. We have great respect and appreciation for the work of the Secretariat. While severely under-funded it has still been responsible for many of IGF's successes. The Secretariat should be provided with resources needed to perform its role effectively.

In addition, a fund should be established to support the participation of people from developing and least developed countries in the IGF annual meetings and the IGF preparatory consultations.

Special Advisors and Chair

The need for Special Advisors, their role in the MAG and criteria for their selection should be clarified. Consideration for diversity as mentioned above must be maintained in the selection of Special Advisors. The number of Special Advisors should be kept within a reasonable limit.

We are of the opinion that in keeping with the multi-stakeholder nature of the MAG, there should

only be one chair, nominated by the UN SG. The host country should be able to nominate a deputy chair, an arrangement that would be helpful in context of various issues of logistics for the annual IGF meetings. In any case, we will like to understand the division of work and responsibility between the two chairs in the present arrangement? It may be too late to move over to the suggested new arrangement on one chair, plus a host country deputy chair for the Hyderabad meeting, especially if the Indian government representative has already taken over as the co-chair, but we can take a decision now about the post-Hyderabad phase.